



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,529	03/29/2001	Peter Thomas Bosson	466-19	5427

7590 08/13/2003

David M. Carter, Esq.
Dilworth & Barrese, LLP
333 Earle Ovington Blvd.
Uniondale, NY 11553

EXAMINER

LE, TAN

ART UNIT	PAPER NUMBER
----------	--------------

3632

DATE MAILED: 08/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/820,529

Applicant(s)

BOSSON, PETER THOMAS

Examiner

Tan Le

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-15 and 22-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12-15 is/are allowed.
- 6) ☒ Claim(s) 22-28 is/are rejected.
- 7) ☒ Claim(s) 29-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

1. This is the third office action for application serial number 09/820,529. This action is in response to paper filed 7/15/03. Claims in this application remains 18 claims numbered 12-15 and 22-35.
2. A request for reconsideration with regarding the reference of Herbert (US Patent No. 6,554,238) has been accepted. Herbert 's IA filed before November 29, 2000 therefore the 102(e) effective date of Herbert is the date of 371(c) (1), (2) and (4) date which is April 23, 2002. Hilbert, therefore cannot constitute a valid date against the present application.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,429,336 to Ko. (previously cited).

Regarding claim 22, Ko discloses a support apparatus comprising an arm (30, 40) having proximal (31) and distal ends, first mounting means (e.g. 22) at the proximal end for mounting the arm on a fixed support (20); a universal joint (41, 43, 451) at the distal end of the arm with a quick release mechanism (46, 48, 49, 53) connected thereto, the quick release mechanism (comprising a male part (48, 53) with a second

Art Unit: 3632

mounting means (50, 51) thereon for attaching an article to be supported to the arm and a female part (46) which releasably cooperates with the male part, the female being connected to the universal joint.

Regarding claim 23, Ko also discloses that the quick release mechanism includes releasable locking means (49).

Regarding claim 24, Ko further discloses the arm including a pivot joint (through holes of 31) intermediate its proximal end and distal ends which allows the distal ends of the arm to move from side to side in a horizontal plane.

Regarding claims 25-26, Ko further discloses that the first mounting means is a collar (22) or sleeve which fits over and around a support post (21 generally) as the fixed support; and includes attachment means (33 generally) operable to engage with a wall as a fixed support to attach the arm thereto.

Regarding claims 27-28, Ko also discloses the male part of the quick release mechanism having a head protruding therefrom (48) which is received an open-ended slot (46) provide in the female part; and the quick release mechanism including a locking means biased to frictionally engage when the head is fully seated in the slot (49).

Allowable Subject Matter

4. Claims 29-30 and 31- 35 are objected to but would be allowable if rewritten in the independent form to include all of the limitations of the base claim and any intervening claims.

Art Unit: 3632

Claims 12-15 are allowed.

Conclusion

This action is made non-final.

5. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Tan Le, whose telephone number is 703.305.8244. The Examiner can normally be reached on Monday through Thursday, 9:00-6:00 and alternating Mondays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie Braun can be reached on (703) 308-2156. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for official communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this Application should be directed to the Group receptionist at 703.308.2168.



Tan Le
Patent Examiner
August 6, 2003.